

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Automatic Telephone Dialers Act is amended  
5 by changing Section 30 and by adding Section 22 as follows:

6 (815 ILCS 305/22 new)

7 Sec. 22. Recordkeeping.

8 (a) A person who operates an autodialer to communicate a  
9 commercial message shall maintain a list of all telephone  
10 numbers called.

11 (b) A person who operates an autodialer to communicate a  
12 commercial message shall maintain records to sufficiently  
13 document any exemption claimed under Section 20 of this Act.

14 (815 ILCS 305/30) (from Ch. 134, par. 130)

15 Sec. 30. Violations.

16 (a) It is a violation of this Act to make or cause to be  
17 made telephone calls utilizing an autodialer to any emergency  
18 telephone number as defined in Section 5. It is a violation of  
19 this Act to make or cause to be made telephone calls utilizing  
20 an autodialer in a manner that does not comply with Section 15.

21 (b) It is a violation of this Act to play a prerecorded  
22 message placed by an autodialer without the consent of the

1 called party.

2 (c) Enforcement by customer. Any customer injured by a  
3 violation of this Act may bring an action for the recovery of  
4 damages. Judgment may be entered for 3 times the amount at  
5 which the actual damages are assessed, plus costs and  
6 reasonable attorney fees.

7 (c-5) In addition to the damages authorized under  
8 subsection (c), a consumer may obtain statutory damages in the  
9 amount of \$500 per violation.

10 (d) Enforcement by Attorney General. Violation of any of  
11 the provisions of this Act is an unlawful practice under  
12 Section 2Z of the Consumer Fraud and Deceptive Business  
13 Practices Act. All remedies, penalties and authority granted to  
14 the Attorney General by that Act shall be available to him for  
15 the enforcement of this Act. In any action brought by the  
16 Attorney General to enforce this Act, the court may order that  
17 persons who incurred actual damages be awarded the amount at  
18 which actual damages are assessed. In addition to actual  
19 damages, a court may order that each person who received a call  
20 in violation of this Act be awarded statutory damages in the  
21 amount of \$500 per violation.

22 (Source: P.A. 91-182, eff. 1-1-00.)

23 Section 10. The Restricted Call Registry Act is amended by  
24 adding Sections 45 and 50 as follows:

1 (815 ILCS 402/45 new)

2 Sec. 45. Recordkeeping.

3 (a) A person who makes or causes to be made calls to  
4 communicate a commercial message subject to this Act shall  
5 maintain a list of all telephone numbers called.

6 (b) A person who makes or causes to be made calls to  
7 communicate a commercial message subject to this Act shall  
8 maintain records to sufficiently document any exemption  
9 claimed under Section 40 of this Act.

10 (815 ILCS 402/50 new)

11 Sec. 50. Enforcement by subscriber. Any subscriber who  
12 receives a call in violation of this Act may bring an action  
13 for the recovery of damages. In addition to actual damages, if  
14 any, the subscriber may obtain statutory damages in the amount  
15 of \$500 per violation.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.